

REMARKS

Initially, applicants would like to express their appreciation to the Examiner for discussing the present application with applicants' representative on January 10, 2006. During the discussion, applicants' representative explained operation of the present application. Applicants' representative also explained how the proposed combination would not render the claims unpatentable.

The Examiner has rejected claims 1, 2, 4 – 11, and 13 - 18 as being unpatentable over SREEDHARAN et al. in view of SMYK. Applicants respectfully traverse.

As noted previously, SREEDHARAN et al. describe an access concentrator 130 that cannot signal for SVCs. A proxy controller 113 is provided to signal on behalf of the concentrator. As the Examiner acknowledges, SREEDHARAN et al. do not provide a controller communicating proxy signals to instruct the switch to set up an SVC connection in response to a request received over a signaling channel.

As discussed at col. 5, lines 10 – 22, adding the necessary SVC functions to a concentrator would effectively make the concentrator a mini-switch, which would be a cost prohibitive solution. Accordingly, an SVC capable device would not be substituted for the concentrator so the proxy controller would never send back instructions to a device in order to set up an SVC connection.

The Examiner has proposed a combination of SREEDHARAN et al. and SMYK et al. to supply the deficiencies of SREEDHARAN et al. SMYK teaches a failover process, such that when one proxy fails, an ATM switch connects to another proxy.

Assuming the references were properly combined, applicants submit that the proxy controller

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would still not instruct the concentrator to set up an SVC. The concentrator lacks such a capability. Moreover, SREEDHARAN et al. state that modifying the concentrator to include the functionality is cost prohibitive, thus teaching away from signaling back to a network element. It is agreed that the proposed combination would result in the concentrator connecting to a different proxy controller when a first proxy controller fails. However, no signaling from the first proxy controller to the new proxy controller (or to the concentrator) would occur, because the first proxy controller had failed. Nor does SMYK discuss any SVC signaling from the failed proxy controller to the replacement proxy controller.

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Although SMYK does disclose the proxy controller signaling to the ATM switch, as noted above, such a feature would be impossible in the system of SREEDHARAN et al. because the concentrator cannot perform SVC signaling. Moreover, an SVC capable element would not replace the concentrator, as it would be "cost prohibitive." Finally, the whole idea of SREEDHARAN et al. is ^{to} _A provide SVC signaling for a network element that does not have such capability. If the network element had the capability, there would be no need for the proxying. The overall objective, as well as the discussion at col. 5 of SREEDHARAN et al. emphatically teach away from any combination that signals back to a network element to instruct SVC setup.

The Examiner has argued that intermediate switching nodes 111, 112, 113 are capable of controlling SVCs. However, if the intermediate switching nodes 111, 112, 113 are interpreted to be the claimed ATM switch, other claim limitations are missing. For example, claim 1 recites an ATM switch connected to an end system. In contrast, SREEDHARAN et al.'s ATM switch 111, 112, 113 are described as part of the backbone

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network. They are not connected to an end system. The access concentrator of SREEDHARAN et al. is the network element connected to the end systems.

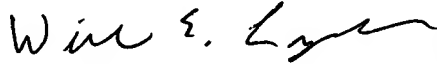
Consequently, for at least these reasons it is requested that the Examiner withdraw the rejections of the independent claims and provide an indication of their allowability.

Dependent claims 2 - 10 and 11 - 18 are also believed to recite further patentable subject matter of the invention and therefore are also believed allowable over the prior art. As such, allowance of the dependent claims is deemed proper for at least the same reasons noted for the independent claims, in addition to reasons related to their own recitations.

Accordingly, applicants respectfully request reconsideration of the outstanding rejections and an indication of the allowability of all of the claims in the present application.

Should the Examiner have any questions or comments regarding this Amendment, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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